

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES TALBERT,	:	
	:	CIVIL ACTION NO. 3:22-0112
Plaintiff	:	
	:	(JUDGE MANNION)
v.	:	
LT. BEAVER et al.,	:	
	:	
Defendants	:	

ORDER

In accordance with the Memorandum issued this date, **IT IS HEREBY**

ORDERED THAT:

1. Defendants' cross motion for summary judgment, (Doc. 53), based on Plaintiff's failure to exhaust his administrative remedies prior to filing the instant action, as required by 42 U.S.C. §1997e(a), is **GRANTED**. Judgment is hereby entered in favor of all Defendants and against the Plaintiff.
2. Plaintiff's motion for summary judgment (Doc. 39) is **DENIED**.
3. Plaintiff's motion to consolidate the above captioned action with Civil No. 3:23-cv-0039 (Doc. 78) is **DENIED**.
4. Plaintiff's motion for preliminary injunction¹ (Doc. 82) is **DISMISSED** as moot.

¹ On March 3, 2023, Plaintiff filed a motion for preliminary injunction, alleging that prison staff were refusing to ship his personal books and magazines from SCI-Camp Hill to SCI-Coal Township after his transfer to that facility. (Doc. 82). On March 9, 2023, Defendants filed a response to Plaintiff's motion, indicating that SCI-Coal Township had received a cash slip
(footnote continued on next page)

5. The Clerk of Court is directed to **CLOSE** this case.
6. Any appeal will be deemed frivolous, lacking merit, and not taken in good faith. See [28 U.S.C. §1915\(a\)\(3\)](#).

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: March 21, 2023

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from Plaintiff to pay for the shipping of his property and the books and magazines were shipped from Camp Hill on March 8, 2023. (Doc. [84](#)). Accordingly, Plaintiff's motion for preliminary injunction is moot.